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June 3, 2024

Via ECF

Hon. Magistrate Judge Lee G. Dunst
United States District Court Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

**Re: *R.C. et al v. Garden City Union Free School District*, 2:24-cv-08328-LGD.
Update re: Parties' stipulations and briefing schedule.**

Dear Judge Dunst:

On April 15, 2025, the parties filed a joint letter laying out a plan to stipulate to as much of the factual record as possible, the goal being to simplify Your Honor's review of the factual record. *See* ECF 16. With this letter, for the reasons explained below, the parties jointly request that you permit us to submit our bundled filings at the end of the briefing schedule without a set of stipulated facts.

Over the last seven weeks, we have worked in good faith to compile a set of stipulated facts, exchanging several lengthy drafts and conferring on how best to complete the process. In the end, we agreed that such stipulations would not be helpful to Your Honor. In fact, they would almost certainly be quite confusing.

Because we agree on the authenticity of all documents in the record, there is little or no truth-finding value in stipulating that the documents say what they say. Similarly, because we agree that the hearing transcripts are accurate, it would not be helpful to stipulate that Witness A said "X."

What our discussions revealed is that we could not stipulate to the factual and legal *meanings* of documents and testimony. The two tribunals – the Impartial Hearing Officer ("IHO") and the State Review Officer ("SRO") – cited and analyzed those documents and excerpts very differently. Defendant believes that the IHO disregarded the law in doing so. Plaintiffs believe the SRO disregarded the law in doing so.

We perceive our jobs to be persuading Your Honor that the law requires one set of factual/legal findings over another. To do this, our briefs will both highlight the precise documents and testimony that support our respective arguments. We believe the adversarial

process will point your attention to the evidence you need to decide this appeal – without the need for formal stipulations.

The parties also jointly request that the internal deadlines and bundled filing date be extended by two weeks, as follows:

Opening briefs: 6/20/25

Responses: 7/25/25

Replies and bundled filings: 8/8/25

To be clear, we acknowledge and appreciate that Your Honor's request for stipulations was meant to simplify a complex record. We did not come to this request lightly. If Your Honor finds our proposed approach acceptable, we will proceed accordingly. However, if you disagree or want additional explanation or clarification, we respectfully request a Zoom meeting at your convenience to discuss this request and briefing schedule.

Respectfully submitted,

/s/

Benjamin J. Hinerfeld

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